

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

FLAVIO RAMOS-CHAIDEZ (1),  
HILARIO MORENO-GARCIA, JR. (2),  
JAZMIN ACOSTA-BELTRAN (5),  
ISRAEL BENJAMIN WRIGHT (7),  
CODY LEE POOLE, (12),  
DUSTY BLUE ZARATE (17),  
HEATH TYLER WISDOM (18),  
JESUS ENRIQUE MEZA-VALDEZ (20),  
ELIZABETH ARROYO-TORO (22),  
GABRIEL SANTIAGO MEDINA (16),  
SANDRA IRENE DUFFY (19),  
JAYRO ALVAREZ-FARIAS (21),

Defendants.

NO. CR-11-0107-WFN

SECOND ORDER MODIFYING  
PROTECTIVE ORDER

Before the Court is the Government's Motion to Modify Disclosure and Protective Order (ECF No. 1066). The Government requests modification of the protective order in this case to allow the Government to meet discovery obligations in a new case.

On August 27, 2012, an Order Modifying Protective Order was entered which, due to a scrivener's error, only listed some of the Defendants in this multi-defendant case (ECF No. 1085). This Order is entered to correct the oversight. Accordingly,

**IT IS ORDERED** that:

1. The Government's Motion to Expedite, filed August 22, 2012, **ECF No. 1067**, is **GRANTED**. The underlying Motion was considered on an expedited basis.

SECOND ORDER MODIFYING  
PROTECTIVE ORDER - 1

1           2. The Government's Motion to Modify Disclosure and Protective Order, filed  
2 August 22, 2012, **ECF No. 1066**, is **GRANTED**, allowing for disclosure of the sealed  
3 documents to defense counsel for defendants under Cause No. 11-CR-00108-EFS [et al] in  
4 discovery, pursuant to the Protective Order (as modified below):

5           The Court further authorizes any attorney for the Government, and or any  
6 Government witness, appearing in court (including U.S. Magistrate Court, U.S. District  
7 Court, and the U.S. Court of Appeals for the Ninth Circuit) in any hearings related to  
8 the prosecution of 11-CR-00108-EFS -[et al] to make open-court and/or closed-court  
9 references to the existence and/or the content of such sealed documents. Likewise, defense  
10 counsel appointed or retained to represent defendants charged pursuant to Indictment  
11 11-CR-00108-EFS -[et al], or any superseding indictment or information, is authorized to  
12 make open-court and/or closed-court references to the existence and/or the content of such  
13 sealed documents.

14           **IT IS FURTHER ORDERED** that the Protective Order should be modified, and  
15 provide for the following:

- 16           A. The United States will provide discovery materials on an on-going basis to defense  
17 counsel;
- 18           B. Defense counsel may possess but not copy (excluding the production of necessary  
19 working copies) the discovery materials, including sealed documents;
- 20           C. Defense counsel may show to, and discuss with, his/her client the discovery  
21 material, including sealed documents;
- 22           D. Defense counsel shall not provide original or copies of discovery materials directly  
23 to his/her client;
- 24           E. Defense counsel shall not otherwise provide original or copies of the discovery  
25 material to any other person, including subsequently appointed or retained defense  
26 counsel, but excluding any staff of defense counsel or investigator and/or expert

1 engaged by defense counsel, who will also be bound by the terms and conditions  
2 of the protective order;

3 F. The United States and defense counsel may reference the existence and content of  
4 sealed discovery material in open and closed court proceedings relevant to  
5 11-CR-00107-WFN-[et al] and/or 11-CR-00108-EFS -[et al];

6 G. The parties reserve the right to seek relief from the Protective Order should the  
7 need arise.

8 The District Court Executive is directed to file this Order and provide copies to  
9 counsel.

10 **DATED** this 17th day of September, 2012.

11  
12  
13 09-17-12

s/ Wm. Fremming Nielsen  
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WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE